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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,609	05/23/2001	Yukio Yanagisawa	P/1139-102	9319
32172	7590	09/09/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			COFFY, EMMANUEL	
1177 AVENUE OF THE AMERICAS (6TH AVENUE)			ART UNIT	
41 ST FL.			PAPER NUMBER	
NEW YORK, NY 10036-2714			2157	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,609

Applicant(s)

YANAGISAWA ET AL.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the application filed on May 23rd, 2001. Claims 1-3 are pending. Claims 1-3 are directed to a system for a "Inter-Network Connection System."

Oath/Declaration

2. The oath is objected to as being informal. It lacks authentication by a diplomatic or consular officer of the United States; 37 CFR 1.66(a). This informality can be overcome either by forwarding the original oath to the appropriate officer for authentication or by filing either a declaration under 37 CFR 1.68, or a new properly authenticated oath under 37 CFR 1.66. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. If, however, authentication of the original oath is desired, applicant should request return of the oath for this purpose. Such request must be accompanied by an order for a copy of the oath to be retained in the file until the properly authenticated oath is returned. After the oath has been authenticated, it should be returned promptly to the Patent and Trademark Office. See MPEP §§ 602.01 and 602.02.

Claim Rejections - 35 USC § 112

Claims 1 and 3 are rejected.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3 are rejected under 35 U.S.C. §112 ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention due to ambiguous language from direct translation. A reasonable artisan skilled in the art could not comprehend the claims as written. The claims recite: "means for updating the IP table such that a physical transmission path in which a fault is detected according to the detection result is bypassed is arranged." It is not clear what the boundary of the claim is. Hence, the scope of the claim is unascertainable.

However, in order to provide a more complete examination the Examiner asserts that this invention is understood as: "means for updating the IP table such that a physical transmission path in which a fault is detected according to the detection result is bypassed."

4. Claim 2

Above claim is rejected by virtue of its dependency on claim 1.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3 directed to a system are rejected under 35 USC 102(e) as being clearly anticipated by Tajika et al. (US 6,118,771).

Tajika teaches a packet transfer method and unit which can perform multicasting to specific terminals designated by a low-level layer address (e.g., MAC address) on the basis of a high-level layer address (e.g., IP address). (See col. 3, lines 61-65).

Claim 1:

Tajika teaches the invention as claimed including an inter-network connection system comprising:

IP layer switching means for switching an arrival frame to a predetermined route according to an IP table in which a physical transmission path and a logical channel corresponding to an IP address are recorded; and (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

MAC layer switching means for switching an arrival frame to a predetermined route according to a MAC table in which a physical transmission path and a logical channel corresponding to a MAC address are recorded, (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

wherein a plurality of physical transmission paths are arranged between the IP layer switching means and the MAC layer switching means, (See col. 21, lines 4-20).

the IP table includes means for, each time a frame from the MAC layer switching means arrives, updating self-table contents according to the IP address of the frame

and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 11, lines 34-col. 12, line 2).

the MAC table includes means for, each time a frame from the IP layer switching means arrives, updating self-table contents according to the MAC address of the frame and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 12, line 36-col. 13, line 7).

means for detecting fault generation of the plurality of physical transmission paths is arranged, and (See col. 31, lines 38-42 and col. 12, lines 20-25).

means for updating the IP table such that a physical transmission path in which a fault is detected according to the detection result is bypassed. (See col. 5, lines 29-31).

Claim 2:

Taika teaches the invention as claimed including an inter-network connection system according to claim 1, wherein the IP layer switching means includes means for transmitting normality acknowledge signals passing through the plurality of physical transmission paths to the MAC layer switching means, (See col. 33, line 52-col. 34, line 24).

the MAC layer switching means includes means for transmitting response signals of the normality acknowledge signals through physical transmission paths at which the corresponding normality acknowledge signals arrive, and (See col. 33, line 52-col. 34, line 24).

the means for detecting fault generation includes means for checking the normality of the physical transmission path depending on the presence/absence of the response signal. (See col. 6, lines 15-27 and col. 31, lines 38-42).

Claim 3:

Taika teaches the invention as claimed including an inter-network connection system comprising:

IP layer switching means for switching an arrival frame to a predetermined route according to an IP table in which a physical transmission path and a logical channel corresponding to an IP address are recorded; and (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

MAC layer switching means for switching an arrival frame to a predetermined route according to a MAC table in which a physical transmission path and a logical channel corresponding to a MAC address are recorded, (See col. 8, line 66- col. 9, line 7; col. 4, lines 14-67).

wherein a plurality of physical transmission paths are arranged between the IP layer switching means and the MAC layer switching means, (See col. 21, lines 4-20).

the IP table includes means for, each time a frame from the MAC layer switching means arrives, updating self-table contents according to the IP address of the frame and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 11, lines 34-col. 12, line 2).

the MAC table includes means for, each time a frame from the IP layer switching means arrives, updating self-table contents according to the MAC address of the frame

and the information of a physical transmission path and a logical channel through which the frame passes, (See col. 12, line 36-col. 13, line 7).

means for measuring the traffics of the plurality of physical transmission paths is arranged, and (See col. 33, lines 25-38).

means for updating the IP table such that a physical transmission path in which a traffic volume exceeding a threshold value is detected according to the measurement result is bypassed. (See col. 33, line 38-col. 34, line 5).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Satoh et al. (U.S. 6,625,662) teaches "Inter-Network Connecting Device."
- Perlman et al. (U.S. 5,309,437) teaches "Bridge-Like Internet Protocol Router."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

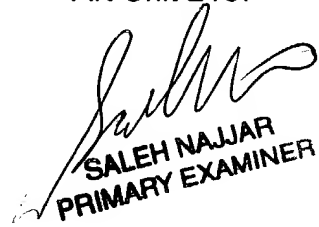
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

EC
Aug 26, 2004


SALEH NAJJAR
PRIMARY EXAMINER